

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

SECOND SPECIAL SESSION

December 12, 1991 to January 7, 1992

SECOND REGULAR SESSION

January 8, 1992 to March 31, 1992

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 30, 1992

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
1992

**INITIATED
BILLS**

**REFERRED TO THE VOTERS BY THE
115TH LEGISLATURE AND
APPROVED AT REFERENDUM**

CHAPTER 1

I.B. 1 - L.D. 719

An Act to Deauthorize the Widening of the Maine Turnpike and to Create a Sensible Transportation Policy

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 23 MRSA §73 is enacted to read:

§73. Transportation policy

1. Short title. This section may be known and cited as the “Sensible Transportation Policy Act.”

2. Purposes and findings. The people of the State find that decisions regarding the State’s transportation network are vital to the well-being of Maine citizens, to the economic health of the State and to the quality of life that the citizens treasure and seek to protect.

The people also find that these decisions have profound, long-lasting and sometimes detrimental impacts on the natural resources of the State, including its air quality, land and water.

The people further find that substantial portions of the state highway system are in disrepair and improvements to the State’s roads and bridges are necessary to provide a safe, efficient, and adequate transportation network throughout the State.

The people further find that the State’s transportation network is heavily dependent on foreign oil, that such reliance is detrimental to the health of the State’s economy and that the health and long-term stability of the State’s economy require increased reliance on more efficient forms of transportation.

The people further find that improvements to the transportation network are necessary to meet the diverse transportation needs of the people of the State including rural and urban populations and the unique mobility requirements of the elderly and disabled.

The people further find that the decisions of state agencies regarding transportation needs and facilities are often made in isolation, without sufficient comprehensive planning and opportunity for meaningful public input and guidance.

3. Transportation policy. It is the policy of the State that transportation planning decisions, capital investment decisions and project decisions must:

A. Minimize the harmful effects of transportation on public health and on air and water quality, land use and other natural resources;

B. Require that the full range of reasonable transportation alternatives be evaluated for all significant highway construction or reconstruction projects and give preference to transportation system management options, demand management strategies, improvements to the existing system, and other transportation modes before increasing highway capacity through road building activities;

C. Ensure the repair and necessary improvement of roads and bridges throughout the State to provide a safe, efficient and adequate transportation network;

D. Reduce the State’s reliance on foreign oil and promote reliance on energy-efficient forms of transportation;

E. Meet the diverse transportation needs of the people of the State, including rural and urban populations and the unique mobility needs of the elderly and disabled;

F. Be consistent with the purposes, goals and policies of the Comprehensive Planning and Land Use Regulation Act; and

G. Incorporate a public participation process in which local governmental bodies and the public have timely notice and opportunity to identify and comment on concerns related to transportation planning decisions, capital investment decisions and project decisions. The department and the Maine Turnpike Authority shall take the comments and concerns of local citizens into account and shall be responsive to them.

4. Rulemaking. The Department of Transportation shall adopt a rule within one year of the effective date of this Act, in coordination with the Maine Turnpike Authority and state agencies including the Department of Economic and Community Development, the State Planning Office and the Department of Environmental Protection, to implement the statewide comprehensive transportation policy. The rule must incorporate a public participation process that provides municipalities and other political subdivisions of the State and members of the public notice and opportunity to comment on transportation planning decisions, capital investment decisions, project decisions and compliance with the statewide transportation policy.

5. Applicability to Department of Transportation. Transportation planning decisions, capital investment decisions and project decisions of the Department of Transportation are governed by and must comply with the transportation policy set forth in this section and rules implementing that policy.

Sec. 2. 23 MRSA §1961, sub-§2, as enacted by PL 1987, c. 793, Pt. A, §6, is amended to read:

2. Cooperation with the Department of Transportation. The Department of Transportation shall must be provided each year a maximum amount of \$8,700,000 of

~~the total annual operating surplus revenue after money has been put aside to pay operating expenses and to meet the requirements of any resolution authorizing bonds of the Maine Turnpike Authority. Any funds received by the department under this provision in excess of \$4,700,000 shall be expended for highway and bridge improvements within counties which contain turnpike mileage. These amounts are deemed considered necessary for use by the department for construction, reconstruction, operation and maintenance of access all roads on the state highway system, which serve and benefit users of the turnpike by providing direct and indirect access to and from the turnpike as part of the integrated highway system. Due to the utilization of the state highway system by users of the turnpike, the turnpike and its users have received and will continue to receive a benefit from, or have caused and will continue to cause, or both, the State acting by and through the Department of Transportation to incur costs for the construction, operation and maintenance of the state highway system, which provides direct and indirect access to and from the turnpike to areas in the State for which the State may properly be and should be compensated from the tolls to be collected. The Maine Turnpike Authority should be maintained to carry out the purposes of this chapter in cooperation with the Department of Transportation.~~

Sec. 3. 23 MRSA §1961, sub-§§5 and 6 are enacted to read:

5. Transportation policy. Transportation planning decisions, capital investment decisions and project decisions of the Maine Turnpike Authority are governed by and must comply with the transportation policy set forth in section 73 and rules implementing that policy.

6. Appropriation. On or before December 1st, annually, the authority shall present to the Legislature for its approval the operating budget of the authority and the revenues necessary to meet the requirements of any resolution authorizing bonds of the authority. The authority may only make expenditures in accordance with allocations approved by the Legislature. The operating surplus must be transferred to the Department of Transportation and expended in accordance with allocations approved by the Legislature.

Sec. 4. 23 MRSA §1964, sub-§6-A is enacted to read:

6-A. Operating surplus. “Operating surplus” means the total annual operating revenues of the Maine Turnpike Authority, after money has been put aside to pay the reasonable operating expenses and to meet the requirements of any resolution authorizing bonds of the Maine Turnpike Authority.

Sec. 5. 23 MRSA §1965, sub-§1, ¶D, as amended by PL 1987, c. 457, §2, is further amended to read:

D. Construct, maintain, reconstruct and operate a toll turnpike from a point at or near York in York County to a point at or near Augusta in Kennebec County, except that the traveled way ~~shall~~ may not be widened or expanded beyond 3 lanes for each direction of travel from Exit 1 to and including Exit 6A and beyond 2 lanes for each direction of travel elsewhere on the turnpike without the express approval of the Legislature;

A license, permit, or approval necessary for the widening or expansion of the turnpike may not be issued by any state agency unless that agency makes an affirmative finding that the widening or expansion is consistent with state transportation policy as well as rules implementing that policy;

Sec. 6. 23 MRSA §1965, sub-§1, ¶O, as repealed and replaced by PL 1987, c. 793, Pt. A, ¶7, is repealed.

Sec. 7. 23 MRSA §1968, sub-§1, as amended by PL 1987, c. 457, §5, is further amended to read:

1. General. The authority is authorized to provide by resolution from time to time for the issuance of turnpike revenue bonds, including notes or other evidences of indebtedness or obligations defined to be bonds under this chapter, but not exceeding \$20,000,000 in the principal amount at any one time outstanding exclusive of refundings, for the purpose of paying the cost of constructing, reconstructing or making extraordinary repairs to the turnpike and the location thereof, for the purpose of repaying grants or loans from the Federal Government the proceeds of which were used to construct or reconstruct the turnpike or portions ~~thereof of the turnpike~~ or access roads or portions ~~thereof of the access roads~~, but only to the extent repayment is required in order for the authority to continue to collect tolls on the turnpike and, with the approval of the Department of Transportation, for the purpose of paying the cost, or a portion of the cost, of construction or reconstruction of interchanges, or portions ~~thereof of interchanges~~. In addition to bonds from time to time outstanding pursuant to this subsection, the authority is authorized to provide by resolution for the issuance, from time to time, of turnpike revenue bonds, including notes or other evidences of indebtedness or obligations defined to be bonds under this chapter, not exceeding \$66,000,000 in the principal amount, exclusive of refundings, ~~to pay the cost, or a portion of the cost, of widening and expansion of the turnpike from 2 lanes of travel in each direction to 3 lanes of travel in each direction to the extent permitted in section 1965, subsection 1, paragraph D,~~ and to pay the cost or a portion of the cost of construction of interchanges or improvements to interchanges ~~which that~~ are determined by the Department of Transportation and the authority to have a sufficient relationship to the public's use of the turnpike and the orderly regulation and flow of traffic on the turnpike in accordance with the requirements of section 1974, subsection 3. The bonds

of the authority ~~shall~~ do not constitute a debt of the State or of any agency or political subdivision thereof, but ~~shall be~~ are payable solely from the operating revenues of the turnpike. Notwithstanding any provision of ~~any~~ law, any bonds issued pursuant to this chapter ~~shall be~~ are fully negotiable. ~~In case~~ If any of the members or officers of the authority whose signatures appear on the bonds or coupons, if any, ~~shall~~ cease to be members or officers before the delivery of the bonds, the signature ~~shall is,~~ nevertheless, be valid and sufficient for all purposes the same as if the members or officers had remained in office until that delivery.

partment of Transportation and must be used for the same purposes as the operating surplus of the authority.

Effective December 20, 1991

Whether or not the bonds are of such form and character as to be negotiable instruments under the Uniform Commercial Code, Title 11, Article 8, the bonds ~~shall be~~ and are hereby made negotiable instruments within the meaning of and for all the purposes of the Uniform Commercial Code, Title 11, Article 8, subject only to the provisions of the bonds for registration.

It is the intention of this chapter that any pledge made by the authority in respect of the bonds or notes ~~shall be~~ is valid and binding from the time when the pledge is made; that the ~~moneys~~ funds or property so pledged and thereafter received by the authority ~~shall is~~ immediately be subject to the lien of ~~such that~~ pledge without any physical delivery ~~thereof of that lien~~ or further act; and that the lien of ~~any~~ such a pledge ~~shall be~~ is valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the authority irrespective of whether those parties have notice ~~thereof of that lien~~. Neither the resolution, trust indenture nor any other instrument by which a pledge is created need be recorded.

Sec. 8. 23 MRSA §1974, sub-§4, as amended by PL 1987, c. 793, Pt. A, §8, is repealed.

Sec. 9. 23 MRSA §1977, as enacted by PL 1981, c. 595, §3, is amended to read:

§1977. Trust funds

Subject to any agreement with the bondholders, all revenue received from the operation of the turnpike after deducting expenditures required for the construction, reconstruction, operation and maintenance of the turnpike and for the payment of the principal and the interest on the bonds of the authority or otherwise in accordance with the provisions thereof, ~~shall and after deducting the operating surplus provided to the Department of Transportation, must~~ be held and invested by the authority to establish trust funds for reserve and sinking funds for the retirement of bonded indebtedness.

Sec. 10. Revenues accrued. All revenues accrued as of the effective date of this Act, excluding operating expenses and those revenues necessary to meet the requirements of any resolution authorizing bonds of the Maine Turnpike Authority, must be provided to the De-